

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

MELVIN C. KEEL, JR.,

v.

WAL-MART STORES, INC.

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NO. 1:11-CV-248

**ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

The court referred this matter to the Honorable Earl S. Hines, United States magistrate judge, for all pretrial matters pursuant to General Order 05-10. On August 9, 2011, the case was reassigned to the Honorable United States Magistrate Judge Zack Hawthorn. The court has received and considered the report (Docket No. 32) of the magistrate judge, who recommends that the court deny Defendant Wal-Mart Stores, Inc.'s (Wal-Mart) "Motion to Dismiss" (Docket No. 6). No objections to the report and recommendation have been filed. The court's independent review confirms that the magistrate judge's analysis is correct.

The report and recommendation (Docket No. 32) of the magistrate judge is **ADOPTED**, and Wal-Mart's "Motion to Dismiss" (Docket No. 6) is **DENIED without prejudice**.

So **ORDERED** and **SIGNED** this **14** day of **February, 2012**.



Ron Clark, United States District Judge